

U.S. Serial No. 10/607,744  
Response to the Office action of April 20, 2005

**Remarks**

The Office action and the cited reference have been carefully reviewed. In light of the foregoing amendments and the following remarks, reconsideration and allowance of the application are respectfully requested.

**The Rejections Under 35 U.S.C. § 112**

Claims 2 and 5-8 have been rejected as being indefinite. Based on the following, it is respectfully submitted that any indefiniteness that may have existed has been overcome.

Regarding claim 2, the Office action indicated that it is unclear how the first bend (32) is a 90 degree bend. While the specification refers to a "first bend" as being the 180 degree bend at reference number 32, this is not the "first bend" recited by claim 2. The plain language of claim 2 indicates that the "first bend" recited in claim 2 is the bend that is formed between the hem assembly and the chassis back top portion. FIG. 9 uses reference numeral 36 to refer to such a bend. While the specification and the drawings differ on the numerical indicators (e.g., first, second, etc.) used to designate various bends, it is respectfully submitted that the differences in these indicators is immaterial as the claims clearly indicate the structural location of the bends to which the claims refer. The indicators used in the specification were selected to differentiate between bends addressed in the description for convenience so as to refrain from constantly reciting the physical structures between which a particular bend lies. In the claims, the first bend mentioned in the claims is designated as the first bend, the second bend mentioned in the claim is the second bend, etc., so as not to be confusing when reciting the bends in the claims. Withdrawal of the rejection of claim 2 is respectfully requested.

Claim 5 has been amended to recite first, second, and third bends. Likewise, claims 6 and 8 have been amended to refer to first and third bends, respectively. It is respectfully submitted that this amendment addresses any indefiniteness that may have existed. Withdrawal of the rejection of claims 5, 6, and 8 is respectfully requested.

Claim 7 was rejected because the Office action contended that the bend at the pre-step (24) appears to be about 180 degrees. It is respectfully submitted that the second bend in claim 7 refers to the bend lying between the chassis cover step portion (e.g., reference numeral 39 in FIG. 9) and the chassis cover pre-step portion (e.g., reference numeral 24 in

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FIG. 9). The bend lying between these two structures (e.g., the bend 34 shown in FIG. 9) is about 90 degrees. Accordingly, withdrawal of the rejection of claim 7 is respectfully requested.

With regard to the failure of the Office action to consider claim 5-8, the applicant respectfully submits that the claim as originally presented were sufficiently clear so as to be subjected to scrutiny under §§ 102 and 103. While the Office action objects to these claims as reciting numbered bends that are not sequential, the non-sequential nature of the bend numbering was not fatal to the claims because antecedent basis was maintained within the numbering recited in the claim. For example, a particular bend was first referred to as "a third bend" and was subsequently referred to in the claims as "the third bend." By following the antecedent basis rules of claim construction, these claims were clear – even though they skipped numerical indicators in referring to the bends. For these reasons it is respectfully submitted that these claims could and should have been examined over the prior art. Accordingly, it is respectfully submitted that because these claims were clear and could have been examined over the prior art, any prior art rejection to these claims in a subsequent Office action should not be made final so as to give the applicant a full and fair opportunity to respond to any art rejections that could and should have been made in the April 20, 2005, Office action.

#### **The Rejections Under 35 U.S.C. §§ 102 & 103**

Claims 1-4 were rejected as anticipated by McMiller (US 6,194,653). It is respectfully submitted that claims 1-8 are allowable over McMiller for the reasons set forth below.

#### **Claims 1-4**

Independent claim 1 is directed to a chassis assembly and recites, *inter alia*, that the hem assembly mated with the chassis back provides a tortuous path to any electromagnetic radiation disposed to enter or leave the chassis assembly.

McMiller is directed to an enclosure design for retaining electromagnetic interference. As shown in FIG. 1 of McMiller, the McMiller assembly includes a top cover 102 that fits onto a chassis bottom 100. As shown in FIG. 1 of McMiller attached hereto, the chassis

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components of McMiller include relative dimensions A, B, and C, wherein A and C are longer than B.

McMiller does not anticipate claim 1 because the arrangement of McMiller does not result in a tortuous path to any electromagnetic radiation disposed to enter or leave the chassis assembly. The Office action contends that reference numeral 232 refers to a hem assembly, but does not address the tortuous recitation in the claims. Even if the structure at reference numeral 232 were a "hem assembly," that structure does not form a tortuous path when mated with the chassis bottom 100. A tortuous path is a path "marked by repeated twists, bends, or turns." Webster's Third New Int'l Dictionary, p. 2414. In contrast to the recitation of the claims, the path formed by the "hem assembly" 232 of the chassis cover 102 and the chassis bottom is not tortuous.

As shown in the attached drawing of McMiller's FIG. 1, dimensions A and C are longer than dimension B. As a result, the interface between the "hem assembly" 232 and the area having dimension B is merely one of overlapping sheet metal. There is no tortuous path formed at least in part because dimension B is so small relative to dimension C, which means that there is a clear RF path from within the chassis by the RF energy traveling downward past the overlapping sheet metal interface. There are no repeated twists and turns and, therefore, there is no tortuous RF path.

For at least this reason, claim 1, and claims 2-4 dependent thereon are not anticipated by McMiller. Allowance of these claims is respectfully requested.

**Claims 5-8**

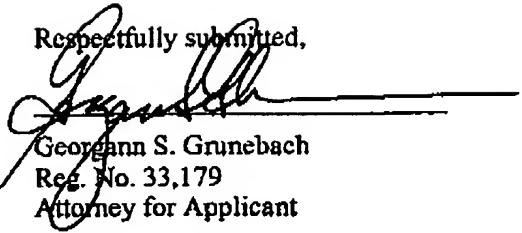
Independent claim 8 is directed to a chassis assembly and recites a chassis cover having a particular arrangement of bends. The structure of McMiller does not include the recited bend configuration for at least the reason that McMiller does not appear to disclose the recited chassis cover step portion. It is respectfully submitted that claim 5 and claims 6-8 dependent thereon are in condition for allowance.

**Conclusion**

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

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Respectfully submitted,

  
Georgann S. Grunebach  
Reg. No. 33,179  
Attorney for Applicant

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The DIRECTV Group, Inc.  
RE / R11 / A109  
P.O. Box 956  
2250 E. Imperial Highway  
El Segundo, CA 90245

Phone: 310-964-4615